BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements	)	Rulemaking 16-02-007 (Filed February 11, 2016)

REPLY OF SONOMA CLEAN POWER AUTHORITY TO RESPONSE OF PACIFIC GAS AND ELECTRIC COMPANY

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In accordance with Rule 11.1(f) of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, the Sonoma Clean Power Authority ("SCP") provides the following reply to the *Response of Pacific Gas and Electric Company to Motion of Sonoma Clean Power Authority to Submit Information Under Seal*, dated July 13, 2018 ("PG&E Response"). In the motion accompanying the PG&E Response, Pacific Gas and Electric Company ("PG&E") seeks to late-file the PG&E Response. In a telephone communication today, assigned Administrative Law Judge ("ALJ") Fitch authorized SCP to provide a reply to the PG&E Response.

As a preliminary matter and in the interest of time, SCP does not quibble with PG&E's motion to late-file the PG&E Response, other than to note that the bases for such a request are unpersuasive, especially when SCP clearly stated in its motion that the motion is being filed under Rule 11.4, which allows ten days for responses. However, in light of the fact that individual Integrated Resource Plans ("IRPs") are due in two weeks, and a prompt ruling from the ALJ to SCP's motion is therefore essential, SCP takes no issue with PG&E's motion.

As described in the *Motion of Sonoma Clean Power Authority to Submit Information Under Seal*, dated June 28, 2018 ("SCP Motion"), SCP requests the ability to file confidential information regarding capacity procurement with the Energy Division under seal. SCP regards this information as

market-sensitive, the release of which would put SCP at a competitive disadvantage and be damaging to our customers. However, SCP recognizes that Energy Division staff require this information to aggregate capacity data across all load-serving entities ("LSEs") to ensure grid reliability. PG&E argues that SCP's net Resource Adequacy ("RA") position for local, system, and flexible RA should be shared with market participants, like PG&E.

The PG&E Response is disappointing, but not surprising. PG&E, as a dominant seller of capacity-related products in the market, would stand to benefit from having additional information about the open position of other LSEs. However, this benefit would be at the expense of SCP's and other LSEs' customers. RA is a required product, which must be procured in advanced of known deadlines. If a seller knows exactly how much capacity a buyer needs - and by when – that seller is in a position to exude market power and extract above-market rents from the buyer. Alternatively, the seller could fail to make certain portions of capacity available with the knowledge that this would likely force the would-be buyer into non-compliance.

PG&E has failed to articulate how stakeholders or the Commission would benefit from knowing individual LSE's net RA positions. This is likely because, as described above, PG&E is poised to enjoy a competitive advantage. SCP urges the Commission to reject arguments in the PG&E Response, and allow SCP and other LSEs to submit confidential information to the Commission with the guarantee that this information will remain protected. As noted in the SCP Motion, the Commission issued a ruling recently in the context of RA-related information that provided confidential treatment of SCP's volumetric RA data.[1] PG&E seeks to dismiss and minimize this ruling by claiming that since the ruling relates to data requests that information provided in response to the

request would somehow be treated differently from a confidentiality perspective than information submitted as part of an IRP. This is incorrect. As CalCCA demonstrated in the CalCCA Motion, whatever the context (data request response or plan submittal), it is important for Community Choice Aggregators, which are subject to the California Public Records Act, to get a ruling from the Commission that protects information, the confidentiality of which would be waived absent a ruling.[2] As SCP maintains, as did CalCCA, information may be filed with the Commision under seal if the public interest served by keeping the information confidential outweighs the public interest in disclosing the information.[3] This is the same standard as the Commission applies in D.06-06-066, so PG&E's claim that D.06-06-066[4] would produce a different outcome is incorrect.

For the reasons set forth above, SCP respectfully asks that the Commission disregard positions advanced by PG&E in the PG&E Response, and that the Commission expeditiously issue a ruling in response to the SCP Motion.

Dated: July 18, 2018

Respectfully submitted,

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1 *See* SCP Motion at 1 (referencing the motion filed in R.17-09-020 by the California Community Choice Association, dated April 27, 2018 ("CalCCA Motion")). The CalCCA Motion was granted on May 18, 2018.

2 *See* CalCCA Motion at 2-3.

3 *See, e.g.,* SCP Motion at 2-3 *(referencing* D.06-06-066 at 6. *See also* Cal. Gov. Code § 6255(a)).

4 *See* PG&E Response at 4.